STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION

COUNTY OF WILL, ILLINOIS, DEPARTMENT OF HIGHWAYS, Petitioners,)))	
v.	No. T 02-0002	
BURLINGTON NORTHERN and SANTA FE)	
RAILWAY COMPANY and STATE OF)	
ILLINOIS DEPARTMENT OF TRANSPOR-)	M JUL 2-2002 /
TATION,)	10 LOOL 113
Respondents.		Illinois Commerce Commission
Petition for an order of the Illinois)	RAIL SAFETY SECTION
Commerce Commission authorizing the)	
establishment of a separation of grades)	
and construction of a bridge carrying)	
Arsenal Road, a Will County Highway,)	
Will County, Illinois, over the tracks)	
of said Railway Company, apportioning)	
costs thereof and directing an)	
appropriate portion thereof to be borne)	
by the Grade Crossing Protection Fund.)	

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S EXCEPTIONS TO PROPOSED INTERIM ORDER

Now comes respondent, The Burlington Northern and Santa Fe Railway Company ('BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates and for BNSF's exceptions to the proposed interim order states as follows:

- 1. Finding of fact No. 7 on page 3 of the proposed order should be amended to provide that petitioner shall bear the remaining cost associated with the cost of preliminary and design engineering. As such, finding of fact No. 7 should be amended to read as follows:
 - "(7) The Preliminary project cost estimate, entered into evidence in this proceeding as Petitioner's Exhibit 6, provides \$400,000 for

preliminary and design engineering; therefore, an amount not to exceed \$240,000 is allocated from the Grade Crossing Protection Fund for this purpose; Petitioner shall bear the remainder of said cost."

- 2. Finding No. 10 on page 3 of the proposed order is inaccurate and should be deleted. The following language should be inserted in lieu thereof:
 - "(10) permission should be granted for the construction of a bridge carrying Arsenal Road in Will County, Illinois over the tracks of the Railway."
- 3. The first ordering paragraph found on page 3 of the proposed order is inaccurate and should be deleted. The following language should be inserted in lieu thereof:

"It is therefore ordered by the Illinois Commerce Commission that permission be, and is hereby granted to the County of Will, Illinois to construct a bridge carrying Arsenal Road in Will County, Illinois over the tracks of The Burlington Northern and Santa Fe Railway Company in the manner to be indicated on final plans and submitted to the Commission for its approval."

KENNETH J. WYSOGLAD & ASSOCIATES.

Michael L. Sazdanoff

Michael L. Sazdanoff Kenneth J. Wysoglad & Associates Attorneys for Respondent The Burlington Northern and Santa Fe Railway Company 118 S. Clinton Street, Suite 700 Chicago, Illinois 60661 (312) 441-0333

PROOF OF SERVICE

Michael L. Sazdanoff, being first duly sworn on oath, deposes and says that on the 27 day of _______, 2002, he caused to be served, a true and correct copy of THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S EXCEPTIONS TO PROPOSED INTERIM ORDER upon:

Ms. June B. Tate
Administrative Law Judge
Illinois Commerce Commission
8th Floor
160 N. LaSalle Street
Chicago, Illinois 60601

Ms. Mary Tatroe
Assistant State's Attorney
Office of the State's Attorney
121 N. Chicago Street
Joliet, IL 60432

Mr. Henry Humphries
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701

Mr. Sheldon Latz County Engineer Will County Engineer's Office 16841 West Laraway Road Joliet, Illinois 60433

Mr. James C. Slifer
Director, Division of Highways
Illinois Department of Transportation
2300 S. Dirksen Pkwy.
Suite 300
Springfield, IL 62764

by depositing same in the U.S. Mail depository located at Adams and Clinton Streets, Chicago, Illinois in an envelope(s) with first-class postage, prepaid.

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